

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING,
SALES PRACTICES AND
PRODUCTS LIABILITY
LITIGATION

MDL NO. 1871

HONORABLE CYNTHIA M. Rufe

**APPLICATION OF SAMUEL W. LANHAM, JR. FOR APPOINTMENT
TO THE PLAINTIFFS' STEERING COMMITTEE**

I, Samuel W. Lanham, Jr., of Lanham Blackwell, P.A., in Bangor, Maine, respectfully submit for Your Honor's consideration this Application for Appointment to the PSC in MDL No. 1871. I am counsel of record in *Harrington v. SmithKline Beecham Corporation*, transferred to and consolidated in this MDL. I am willing and available to commit to this project; I possess an inherent ability to work cooperatively with others; and I have professional experience in mass torts pharmaceutical litigation. Further, I believe my exceptional leadership and organizational skills in both legal and non-legal projects will offer diversity and depth that will benefit this PSC.

Compared to my colleagues, I am a relative newcomer to pharmaceutical litigation. For that reason it is important that you know something of my background. I am the immediate past president of the Maine Trial Lawyers Association and currently serve on the Board of Governors of the American Association for Justice. I am a regular presenter at trial practice and continuing legal education seminars. I am a member of the Maine Bar Foundation, and I am AV rated by Martindale-Hubble.

Following graduation from the College of William & Mary in 1975, I obtained my J.D. from Wake Forest University School of Law and thereafter clerked for the Supreme Judicial Court of the State of Maine. The first 20 years of my practice involved mostly insurance defense in a multitude of areas, and select First Amendment cases. The constitutional work led to my serving as national trial and ballot access counsel to H. Ross Perot during the 1996 presidential campaign, litigating several election law cases throughout the nation, including a successful bench trial before Judge George Howard,

Jr. in the United States District Court for the Eastern District of Arkansas in Little Rock. *Citizens to Establish a Reform Party in Arkansas v. Priest*, 970 F. Supp. 690 (E.D. Ark. 1996).

With Perot's exclusion from the 1996 presidential debates between President Clinton and Senator Dole, I organized and led a team of lawyers in filing suit against the Commission on Presidential Debates and the Federal Election Commission in the United States District Court for the District of Columbia, and then appealing to the United States Court of Appeals for the District. *Perot v. FEC*, 97 F.3d 553 (D.C. Cir. 1996). This work also required my personal handling of the enormous demands of the national press and television media, including an appearance before the National Press Club in Washington, D.C.

Following the 1996 presidential election, I returned to my "normal" practice and transitioned into plaintiffs' personal injury. My mass torts work in pharmaceuticals began in 2002 with Fen-Phen and representation of hundreds of clients in New England. During 2004, I assisted Bryan Aylstock, Esq. in organizing the filing of more than 2,400 diet drug cases in state court in Massachusetts on behalf of 18 law firms throughout the nation. Our legal team successfully worked these cases through removal, remand, summary judgment practice, and discovery – to arrive ultimately at a select number of bellwether cases to prepare for trial. Most of these 2,400 cases have now settled.

In 2006, I was appointed to the Discovery Committee in *In Re: Ortho Evra Products Liability Litigation*, MDL 1742, in the United States District Court for the Northern District of Ohio. Seven bellwether cases have been selected for trial in Toledo, beginning June, 2008. In addition to Fen-Phen and Ortho Evra, I have represented clients nationally in the Vioxx, Fosomax, Sulzer Orthopedics, Guidant Ancure, Guidant defibrillator, Fleet Phospho-soda, and Medtronic Sprint Fidelis leads litigations. With the diet drug cases settled and my work on the Ortho Evra Discovery Committee mostly done, I am now positioned to devote the time required by this project if appointed to the PSC.

I am scheduled to appear before the Supreme Court of the United States in October, 2008, on behalf of Maine clients in a class action against Altria Group, Inc. and Philip Morris USA, Inc., filed in the United States District Court for the District of

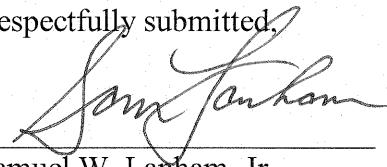
Maine, alleging deceptive advertising in the marketing of Marlboro Lights cigarettes. Following the District Court's entry of summary judgment for defendants on grounds of express preemption, the United States Court of Appeals for the First Circuit reversed. *Good v. Atria Group, Inc.*, 501 F.3d 29 (1st Cir. 2007). The Supreme Court granted Philip Morris' Petition for Writ of Certiorari earlier this year.

Permit me to add that I have significant non-legal organizational and leadership experience that I believe can effectively contribute to the success and teamwork of this PSC. In 1988, I co-founded an international alumni association, comprised at the time of more than 14,000 alumni who, from 1965 to 1988, had traveled and performed with the international educational organization *Up with People*. Under my leadership we created the legal and operational structure for a worldwide network of alumni from 70 nations. In 1989-90, I served as President of the Up with People International Alumni Association, which has grown into an organization now serving more than 19,000 alumni worldwide. From 1989 to 2002, I served on the *Up with People* international Board of Directors, including a number of years on the Executive Committee. I have also served in leadership positions on a number of local Boards and in fund raising campaigns.

I mention these experiences, Your Honor, because I believe that the more diverse and varied the members of this PSC, the better it will be equipped to fulfill its responsibilities in this litigation. I am prepared to make the necessary commitment of time, resources, energy and enthusiasm for this project. Thank you for your consideration of my application.

Dated: March 18, 2008

Respectfully submitted,



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CERTIFICATE OF SERVICE

The foregoing Application has been filed electronically and is available for viewing and downloading from the ECF system. A true and correct copy of this document has been served upon each counsel of record as reflected in the Court's service list as of March 17, 2008 by either electronic service through the ECF system or first class mail, postage prepaid.

Dated: March 18, 2008



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